

REMARKS

Claims 1 through 13 are pending in the present application. Claim 1 has been amended and claims 9-13 have been newly added hereby. Support for claims 9-13 can be found in the application, e.g., p. 3, lns. 28-34 and p. 4, lns. 1-7).

The Office Action (1) suggested guidelines for the layout and content for patent applications; (2) rejected claims 1 and 3-7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims 1-5 of commonly owned U.S. Patent No. 6,674,498 to Stallinga, et al. (hereinafter "the '498 patent"); (3) rejected claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite; (4) rejected claims 1-8 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements; (5) rejected claims 1-3 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,717,474 to Sarma (hereinafter "the '474 patent"); (6) rejected claims 1, 2 and 4-8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,726,723 to Wang et al. (hereinafter "the '723 patent") in view of U.S. Patent No. 5,877,831 to Leenhouts et al. (hereinafter "the '831 patent"); and (7) rejected claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over the Sarma reference.

Regarding item (1) identified above, Applicants respectfully decline to revise the specification in accordance with the suggested layout as provided by 37 CFR 1.77(b) as such revisions are not required (MPEP 608.01(a)).

Regarding item (2) identified above, although Applicants reserve the right to file a terminal disclaimer in accordance with 37 C.F.R. 1.321(c) as was suggested by the Action, Applicants respectfully request reconsideration of the stated double patenting

rejection in view of present claim 1, which has been amended in an effort to clarify the invention claimed thereby.

Applicants respectfully submit that claims 1-5 of the '498 patent appear to be more generally directed to the relationship between the twisted structure of a liquid crystal layer relative to the twisted structure of a compensator layer operatively associated with the liquid crystal layer. Whereas, present claim 1 is directed more particularly to the relationship of twist angles introduced in sub-pixels.

Although claim 1 of the '498 patent generally provides that the "the direction of orientation is substantially 180.degree. different in said at least two sub-pixels", such claim differs from claim 1 of the present application at least in that claim 1 of the present application particularly provides that "at least two twist angles are introduced in sub-pixels". Applicants respectfully submit that present claim 1, as well as claims 3 to 7, which claims depend either directly or indirectly from claim 1, of the present application are patentably distinct from claims 1-5 of the '498 patent at least in that the *twist angles* are introduced in sub-pixels. Thus, claims 1 and 3 to 7 of the present application are not necessarily broader in scope or, in the alternative, narrower in scope relative to claims 1-5 of the '498 patent, but instead merely provide a different claim scope. Accordingly, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection with respect to claims 1 and 3 to 7 of the present application.

Regarding item (3) identified above, Applicants respectfully submit that present claim 1 effectively traverses the stated 112 rejection thereof. Accordingly, as claims 2 to 8 depend either directly or indirectly from claim 1, Applicants respectfully request reconsideration and withdrawal of the rejection of each

claim 1 through 8.

Regarding item (4) identified above, Applicants respectfully submit that present claim 1 effectively traverses the stated 112 rejection thereof and that every necessary structural relationship is adequately defined by such claim. In addition, Applicants respectfully note that in determining whether an unclaimed feature is essential, the entire disclosure should be considered and that preferred features are not necessarily considered essential. In re Goffe, 542 F.2d 564, 567, 191 USPQ 429, 431 (CCPA 1976).

Applicants further respectfully note that limiting a claim to the preferred elements in the absence of limiting prior art would not serve the constitutional purpose of promoting the progress in the useful arts. Hence, an enablement rejection based on the grounds that a disclosed essential limitation is missing from a claim should be made *only when* the language of the specification makes it clear that the limitation is critical for the invention to function as intended. Broad language in the disclosure (e.g., "The invention is of course not limited to the examples shown" (p.4, ln. 31), including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality. (See, MPEP 2164.08(c)). Accordingly, Applicants respectfully request reconsideration and withdrawal of the stated 112 rejection of claims 1 to 8.

Regarding item (5) identified above, Applicants respectfully submit that present claim 1 is patentable over the '474 patent in that such patent at least fails to disclose or suggest at least two twist angles introduced in sub-pixels, which twist angles, viewed transversely to the substrates, are rotated with respect to each other as is defined by present claim 1. Accordingly, Applicants respectfully request reconsideration and withdraw of the rejection of claim 1.

With respect to claims 2 and 3, which claims depend directly from claim 1, Applicants respectfully submit that such claims are patentable over the '474 patent at least for the reason noted above with respect to claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 3 are likewise respectfully requested.

Regarding item (6) identified above, Applicants respectfully submit that present claim 1 is patentable over the cited reference combination (i.e., the '723 patent in view of the '831 patent) at least because such reference combination fails to disclose or suggest every element of claim 1.

The '723 patent, which was cited for disclosing "a double SBTN (sub-twisted nematic) liquid crystal display device comprising (Figure 12): two substantially identical liquid crystal layers 132, 134 separated by a control glass substrate 135, wherein the layers have an opposite sense of twist", and for disclosing "the liquid crystal layer having a twist angle of approximately 55°" (Action, p.6, part 9), in addition to failing to disclose or suggest, as noted by the Action, "a pixel divided into sub-pixels" (Action, p.6, part 9), also fails to disclose or suggest at least two twist angles introduced in sub-pixels, which twist angles, viewed transversely to the substrates, are rotated similarly with respect to each other as is defined by present claim 1.

Moreover, the '831 patent, which was cited for disclosing "a multi-domain LCD device with sub-pixels" (Action, p.6, part 9), fails to overcome the above noted shortcomings associated with the '723 patent. That is, the '831 patent, in contrast to that which is provided by present claim 1, which claim defines twist angles as being rotated *similarly* with respect to each other, specifically teaches sub-pixels that have twist angles of *opposite* twist sense (See, e.g., Title; Abstract; col. 2, lns. 4-5; and col. 5, lns. 62-


63). Accordingly, Applicants respectfully request reconsideration and withdraw of the rejection of claim 1.

With respect to claims 2 and 4 to 8, which claims depend either directly or indirectly from claim 1, Applicants respectfully submit that such claims are patentable over the cited reference combination at least for the reasons discussed above with respect to claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 4 to 8 are likewise respectfully requested.

Regarding item (7) identified above, Applicants respectfully submit that as claims 6 and 7 each depend directly from claim 1 each claim is patentable over the '474 reference at least for the reasons previously discussed with respect to claim 1. Thus, reconsideration and withdrawal of the stated 103 rejection are respectfully requested.

In sum, it is respectfully submitted that each of the present pending claims are patentable over each of the cited references and/or any proper combination thereof. Hence, this application is in condition for allowance. Accordingly, reconsideration and withdrawal of all objections, and all rejections of the claims, are respectfully requested and a Notice of Allowability is respectfully solicited.

Respectfully submitted,

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